

REMARKS

Claims 1 - 20 are pending in the application. Claims 1-4, 7-10, 12-13, and 18-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,915,374 issued to Pereira. Claims 5 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pereira in view of U.S. Publication No. 2002/0105874 issued to Matsumoto. Claims 6 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pereira in view of Patent No. 6,381,202 issued to Shimoda et al. Claims 15 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimoda in view of U.S. Patent No. 7,173,891 issued to Lee. Claim 16 stands rejected under 35 U.S.C. § 103(a) over Shimoda in view of Lee and further in view of Matsumoto. Applicants respectfully request reconsideration and full allowance of all pending claims.

Applicants respectfully point out that Pereira shares a common assignee with the present application and therefore cannot be used as a reference under Section 103. MPEP § 2146. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of Claims 5, 6, 11, and 14.

Pereira discloses downloading of an optical medium write strategy to an optical drive if the optical drive does not recognize an identification code of the optical medium. Claims 1, 8 and 18 each recite “preassigned optical medium identification code associated with an optical medium planned for development.” Pereira does not anticipate a “preassigned” code nor does Pereira need to preassign codes because Pereira looks up unrecognized codes. Applicants note that the Examiner’s rejection based on anticipation must establish each element of Claims 1, 8 and 18 exactly disclosed by Pereira. The Examiner cannot rely on Section 103 for a rejection based on Pereira. Close enough is not good enough.

Shimoda discloses an information recording/reproducing apparatus and an information recording method that allow the formation of a recording pit having a preferable shape.

Lee discloses storage of updated disc-related information in an area of an optical medium.

Claim 15 recites, in part, “each preassigned optical medium identification code associated with an optical medium planned for development by an optical medium manufacturer.”

Shimoda and Lee cannot make obvious Claim 15 because Shimoda and Lee fail to teach, disclose or suggest all elements recited by Claim 15. For example, Shimoda and Lee fail to teach, disclose or suggest “each preassigned optical medium identification code associated with an optical medium planned for development by an optical medium manufacturer.” Lee explicitly teaches away from the use of preassigned codes: “future disc version numbers, recording methods or the like cannot be predicted” (1:64-65); “However, in an existing drive, a new disc version number cannot be recognized and the recording speed cannot be determined” (5:27-29). Accordingly, Applicants respectfully requests that the Examiner withdraw the rejection of Claim 15 and allow all pending claims.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

The Commissioner is authorized to deduct any additional fees which may be necessary and to credit any overpayment to Deposit Account No. 502264.

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on February 21, 2008.

/Robert W. Holland/

Attorney for Applicant(s)

Respectfully submitted,

/Robert W. Holland/

Robert W. Holland
Attorney for Applicant(s)
Reg. No. 40,020